

**REMARKS:**

**In Respect to the Claim Rejections- 35 USC 102:**

"The distinction between rejections based on 35 U.S.C. 102 and those based on 35 U.S.C. 103 should be kept in mind. Under the former, the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. Whereas, in a rejection based on 35 U.S.C. 103, the reference teachings must somehow be modified in order to meet the claims. The modification must be one which would have been obvious to one of ordinary skill in the art at the time the invention was made. See MPEP § 2131 - § 2146 for guidance on patentability determinations under 35 U.S.C. 102 and 103."

**Regarding Claims 1 and 2 are rejected under 35 U.S.C.102 (b) as being anticipated by US 4860463 to Pin:**

1. The main differences between claim 1 and Pin are that:

"the vent-slots on the sole gather together at a gather point near a middle center of a toes transverse line that is near a side of the space of wedge shape;"

"an air-gathering pipeline is disposed in the space of wedge shape for getting maxima cross section and minima air resistance, the air-gathering pipeline connects the gather point with the air intake check valve and has a shape as a reinforce rib with a

inclined top, a low end of the inclined top smoothly approaches the sole."

The main purposes of above-mentioned creative structure are to make the air-gathering pipeline becoming short with maxima large cross section to greatly decrease the air resistance under the condition without increasing the height of sole and heel. It is very important for improving the ventilated effect for the shoe obviously. In addition, the air-gathering pipeline is designed as a reinforce rib, which reinforces the sole of the shoe.

Therefore, the new ventilated shoe of the claim overcome the shortages of the ventilated shoe in market, such as weak ventilation, sole being easy break and too thick of the sole. As the ventilated shoe has huge market, the improvement has very high commerce value.

Pin discloses a ventilated shoe, but he does not teach the structure and arrangement for reducing the air resistance under the condition without increasing the height of sole and heel. In Pin the air passage are thin and long and existed inside of the sole. Therefore, the air resistance is big.

The claim 1 is patentable under U.S.C.102 (b) over US 4860463 to Pin because Pin does not teach every aspect of the claimed invention either explicitly or impliedly.

2. The claim 2 is merged into claim 1.

For all of the above reasons, applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tianhua Gu". The signature is stylized with a large, sweeping initial "T" and "G".

Tianhua Gu

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